

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

CATHINE LAVINA SELLERS

Defendant.

CRIMINAL ACTION FILE NO.

1:17-CR-241-LMM-JKL

AMENDED ORDER¹

Defendant Cathine Lavina Sellers is charged in a federal grand jury indictment with possession with the intent to distribute a controlled substance, namely furanyl-fentanyl, a Schedule I controlled substance; U-47700, a Schedule I controlled substance; and fentanyl, a Schedule II controlled substance, all in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C).

Pending before the court is Defendant's Sealed Ex Parte Motion for Competency Hearing in which defense counsel requests that the Court order Defendant to undergo a psychological examination and to conduct an evidentiary hearing to inquire into Defendant's mental competency. Based on the representations of counsel, the Court finds that there is reasonable cause to believe

¹This order amends the Court's order of September 6, 2017 [Doc. 32]. That order is hereby **VACATED** and this order is substituted in its place.

that Defendant may presently be suffering from a mental disease or defect rendering her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her or to assist properly in her defense. *See* 18 U.S.C. § 4241(a). Accordingly, the Court **GRANTS** Defendant's motion and **ORDERS** the defendant to submit to an examination pursuant to 18 U.S.C. § 4241.

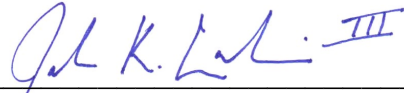
Pursuant to 18 U.S.C. § 4247(b), the Court **ORDERS** that Defendant be committed to the custody of the Attorney General for placement in a suitable facility for purposes of a psychiatric or psychological examination and examined for a reasonable period, but not to exceed thirty (30) days. A psychiatric or psychological report shall be prepared by the examiner designated to conduct the psychiatric or psychological examination and shall be filed with the Court, with copies provided to counsel for Defendant and to the government according to 18 U.S.C. § 4247(c). The report shall address, *inter alia*, whether Defendant is suffering from a mental disease or defect rendering her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her or to assist properly in her defense. *See* 18 U.S.C. § 4247(c)(4)(A).

After the Court receives the report, the Court will conduct a status conference

to determine the need for and scope of an evidentiary hearing to determine whether Defendant is competent to stand trial.

The clerk shall exclude time from computation under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(1)(A) until completion of said hearing or further order.

IT IS SO ORDERED this 8th day of September, 2017.



JOHN K. LARKINS III
United States Magistrate Judge